

1901-009 Chancery Causes: C. L. Harbin vs. Henon Jones  
Lee Co.

Pursifull, Howard, Taylor, Hubbard, Jackson, Valentine,  
Hobbs, Powell, Smith

CA-Debt

T-Property



To the Hon. H. A. W. Skene, Judge of  
the Circuit Court of Lee County, Va.

Your orator, C. L. Hobbs, humbly com-  
plaining, shows unto your honor that  
one Herion Jones is indebted to him in  
the sum of \$340<sup>00</sup> with interest thereon  
from Jan'y 11<sup>th</sup> 1900, due by note filed  
herewith as "Ex 1", that said sum is un-  
paid, due & payable, no part thereof ever  
having been paid, that your orator believes  
this claim to be just & that he is entitled to  
& ought to recover at the least the said  
sum of \$340<sup>00</sup> with its interest as aforesaid.  
The said Jones is not a resident of Virginia  
and he has estate in said county of Lee  
said state, to wit: two pairs of mules  
wagons, farming & appurtenances, at or near  
Dryden, in said county -

Wherefore, being without remedy save in a  
court of equity the prayer of your orator is  
that Herion Jones be made a party defendant  
hereto & be required to answer this bill, but  
not on oath, that being waived, that attach-  
ment may issue against the estate of  
said Jones & he be subjected to the payment  
of your orator's said debt, & for such  
other, further & general relief as to equity  
may seem meet & the nature of his case  
may require, your orator will ever pray

or Jones

p. q.



C. L. Harkin

Bill for  
attachment

Herion Jones

1900. 1st Sept rules.  
Bill filed & pa 2 cents  
attachment levied & D.R.  
" 2nd Sept rules & D.R.  
Cause & Cause set for  
hearing

November Term 1900  
Decree & Continued

March Term 1901 Decree final  
Chancery O.B. No 6 Page 486

Plaintiffs Costs  
Clerk 4.18  
Tax 1.50  
Shff 1.00  
\$6.68

Defendants Costs  
recovered.

Clerk 2.80  
Atty 15.00  
Comm in Chcy 3.00  
Co Clerk .25  
\$21.05



To the Honorable H.A.W.Skeen, Judge of the Circuit  
Court of Lee County, Virginia.

The answer of Henon Jones to a bill exhibited against him in this Honorable Court by C.L. Harbin.

This respondent, saving the benefit of all such exceptions as may be taken or had to said bill, for answer thereto says:

That it is not true that he is indebted to the said Harbin in the sum of \$340.65 with interest thereon from January 11th 1900. It is true, however, that some time in January 1900, (date not remembered) that he executed his promisory note to the said Harbin for the sum of \$340.65.

Respondent and the said Harbin had been partners in a logging contract in the County of Knox and State of Kentucky. Before the same was completed, and after the logs had been snaked, your respondent determined to leave there and the business that had been done, advancements made &c. was calculated up and said note aforesaid was given to evidence the same. The said Harbin was to go on and see that the contract was finished up. There was "retain" of ten cents on each dollar of said contract, held back by the Jones Lumber Company of Williamsburg Kentucky until said contract was completed, which the said Harbin was to collect when said contract was completed and give to your respondent his part thereof. Respondent portion of said "retain" and for which he should have credit on said note aforesaid amounts to the sum of \$190.00, which said sum has been collected by the said Harbin or should have been collected by him, and if he has failed to collect the same it is the result of his own fault and negligence. Said Harbin is also indebted to this respondent in the sum of \$25.00 for board, which said sums amounting in the aggregate to \$215.00 he is ready and willing and hereby offers to off-set against an equal amount of the plaintiff's demand against him.

Your respondent emphatically denies the allegation that he is not a resident of the State of Virginia, but on the contrary respondent states that he is a resident of the State of Virginia, that he resides at Dryden in the County of Lee, that he was residing there at



the time the process in this suit was issued against and served upon him, that he has resided in the State of Virginia ever since the 23rd day of October, 1899, and it <sup>is</sup> respondents purpose to continue a resident of this State. He has registered here as a voter, and purposes remaining a citizen of this State.

Respondent denies that he is the owner of the two pairs of mules wagons, gearing and appurtenances charged in said bill, or any part thereof. The large pair of mules with their gearing and the wagon to <sup>which</sup> with they usually work is the property of H.H. Jones, a brother of this respondent, who bought them from this respondent for the sum of \$225.00 on the 27th day of June, 1899. The said H.H. Jones had a mortgage on said mules <sup>and some other property</sup> for \$360.00 dated on the 1st day of December, 1898, which said mortgage was recorded in the Clerk's office, or lodged for record in said clerk's office, in Bell County Kentucky on June 5th, 1899. In settlement of said mortgage respondent turned over to his said brother said mules, harness and wagon and lifted the mortgage, ~~the~~ mules being the last payment thereon, and since that time your respondent has hired said mules, harness and wagon from his said brother. An examination of the Assessor's Books will show that the said H.H. Jones listed said mules for taxation to E.S. Stout the Commissioner of the Revenue, which listing aforesaid was done in about the month of May, 1900. An examination of said books will further show that at the same time said Commissioner assessed your respondent as a citizen and taxpayer of the County of Lee.

Your respondent will now further show your Honor that the other pair of mules <sup>Wagon & Horses</sup> mentioned in said bill, and described in the levy as two smaller black horse mules, are the property of respondents wife, Mollie Jones, and have been hers ever since respondent and said Mollie were married. Respondent has no interest whatever in said mules, wagons or gearing, or any or either of them, one set belonging to the said H.H. Jones and the other to the said Mollie Jones, and respondent in ~~any~~ <sup>no</sup> way colluded with either one of them, but states the facts truly as to the ownership of said property.

And now having fully answered said bill, respondent prays to be hence dismissed with his costs.

*W. T. Bureau*  
*L. C. Hall* *Attys for Deft*



Hevon Jones  
ads. { answer  
C. L. Harbin

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1900. ~~28~~ Sept filed

A B Munsey Clerk



C.L.Harbin

Vs.

Henon Jones.

On the calling of this case it was announced that the plaintiff, C.L.Harbin, had failed to comply with the order made in this cause at the last term of this Court requiring him to execute bond with security for the costs had or might be incurred in said cause. On consideration of which said cause is dismissed; and it is adjudged ordred and decreed that the defendant Henon Jones recover of the plaintiff C.L.Harbin the costs of this Suit to be taxed by the Clerk, for which execution may issue. And the casue is stricken from the docket.



C. L. Harbin  
vs. { Deere final,  
Huron Jones  
Entered on Chy C. B.  
No 6 Page 486

Enter this decree  
March 4<sup>th</sup> 1901.  
H a w s k i n d



L L Horbin

75

Human Jones.

Upon the calling of this cause  
the Defendant suggested that the Plaintiff  
is a non resident of this state, and re-  
quired that give security for costs.  
On consideration, of which the defend-  
ant is required to execute bond in the  
sum of \$100.00 conditioned according  
to law, and he is given 60 days within  
which to execute said bond, or other-  
wise to ~~dismiss~~ said cause to be  
dismissed. And this cause is  
continued.



b. L. Harkin

no 5 Decm

3  
Herman Jones

Entered O B 6 P 473

enter this

H, A, W, Hark

Nov 15<sup>th</sup> 1910



The deposition of Henon Jones taken, pursuant to agreement, at the Office of C.T. Duncan in the Town of Jonesville, on the 31st day of October 1900, before me H.L. Woodward a commissioner in chancery for the Circuit court of Lee County, to be read as evidence on behalf of the defendant in a chancery cause pending in said court in which C.L. Harbin is plaintiff and the said Henon Jones is defendant:

Present: James W. Orr attorney for Plaintiff x

C.T. Duncan " " Defendant.

Henon Jones a witness of lawful age being first duly sworn deposes and says:

Ques. 1. State your age, residence and occupation?

Ans. I am 30 years old, reside at Dryden Lee county Va. I sometimes farm and sometimes hauling, at present I am engaged in hauling and have been so engaged for the last three years mostly.

Ques. 2. How long have you resided at Dryden?

A.-- I have been there a little over ten months.

Q. 3.-- Where did you reside next before you came to Dryden?

A.-- At Kelley View in Wise County, Virginia, and before I went to Kelley View I resided in Bell County Kentucky.

Q. 4.-- Please state if you were assessed for taxation in Lee County Virginia for the year 1900

A.-- I was assessed.

Obj.-- The foregoing question and the answer thereto is objected to at the first opportunity, because irrelevant, immaterial and inadmissible, and because this is not the best evidence.

J.W. Orr, for plff.

Q. 5.-- By whom was you assessed?

Obj.-- Objected to for the same reason as above

J.W. Orr.

A.-- ~~Yes~~. By Mr. Stout, I do not know his initial. He is a one armed man.

Q. 6.-- When was this assessment made?

Obj.-- Objected to for the same reasons as above.

J.W. Orr.

A.-- I think it was in May.

Q. 7.-- In this case I notice that the attachment is returned executed



by levying on two large black mare mules, and two smaller black horse mules and two wagons known as lumber wagons and gearing and harness for all four of said mules, Please state whether or not said property or any part of it is yours and if not state to whom it belongs?

A.-- No part of said property or all of belongs to me. The two large black mare mules belongs to Hiram Jones, my brother, the two smaller black horse mules belong to my wife, Mollie Jones. One wagon and one set of the harness belong to my brother Hiram Jones, the other wagon and set of harness belong to my wife Mollie Jones.

Q.8.-- In this suit, the plaintiff, Mr. Harbin claims that you are indebted to him in the sum of \$340.65, with interest thereon from January 11th, 1900. Please state whether or not you are indebted to him in that sum, and if not, to what extent are you indebted to him

A.-- I do not owe him \$340.65. I can't tell the exact sum in which I am indebted to him until a matter of "retain" on logs hauled is settled between us, and Mr. Harbin also owes me a board bill for hands of his boarded by me, amount to \$25.00, which should likewise be credited on said note. Mr. Harbin told me that the "retain" was \$190.00. The balance of the note after applying these two credits is due and owing to Mr. Harbin.

Obj.-- The foregoing answer is excepted to because the defendant admits the execution of the note sued on and if the off-sets claimed occurred prior to the execution of the note he cannot claim them against said note in the present state of the pleadings.

J.W.Orr,

Q.9.-- Where does your wife, the said Mollie Jones reside?

A.-- Dryden, Lee County, Virginia.

Q.10.-- Please state if the pair of mules, which you have stated as belonging to her and the wagon stated as belonging to her, was given in by her and is assessed to her for taxation for the year 1900.

Obj.-- Excepted to because immaterial, and inadmissible because there is or should be better evidence.

J.W.Orr.

A.-- Yes, they were given in and are assessed and the same is on page 33 of the book for Yokum Station District, E.S. Stout Commissioner, and on line five of said page of said book, and I file herewith a transcript from said book showing the assessment of the said Mollie



and also a transcript, showing my own assessment.

Obj.-- Except to because the transcript ~~xxxxxx~~<sup>filed</sup> do not show the assessment of this defendant.

J.W.Orr,

Q.11.-- Is there a man living in Dryden by the name of Herman Jones?

A.-- There is not.

Q.12.-- On the 22nd day of August, 1900, where did you reside and where was your home?

A.-- Dryden Lee County Virginia, and that was my home.

Q.13.-- At that time had you any purpose or intention of changing your residence from the state of Virginia?

A.-- I did not.

Q.14.-- You state in answer to a question heretofore propounded to you that the two larger mules mentioned in said levy of said attachment were the property of your brother Hiram Jones. When did they become his property and from whom did he purchase them?

A.-- They became his June the 27th 1899. He got them from me. Before that time and on the 1st day of ~~xxx~~ December, 1898, I was indebted to my brother Hiram Jones in the sum of \$350.00 for borrowed money and on that day I executed to him my note and in said note I gave him a lien upon said mules together with certain other property mentioned therein to secure payment of the same. On this debt I paid to my brother \$60.00 in cash which payment was made one or two month before the 27th of June 1899, and on that day turned over to him the mules and their harness and the wagon that they were working to at the price of \$225.00. The balance of said mortgage is still due to him. I file said note or mortgage herewith as part of my deposition marked "X".

Obj.-- The foregoing answer is ~~excepted~~ to so far as the same is intended to show a lien upon the property mentioned, because the same as never been recorded, and is excepted to for any purpose because it is evident from the face of the paper that the date of the same has been erased and changed, and because the property has remained in the possession of the plaintiff.

J.W.Orr.

Q.15.-- How came you in possession of said mules and wagon after you sold them to your brother, Hiram Jones?



working  
A.-- My brother was ~~breaking~~ for the L. & N. Railroad company as a breakman, and I got his mules to work with them and give him half of their earnings. The man he had driving said mules for him got crippled by the turning over of the wagon on him and I then took them to work on the shares as above stated. My brother was making more as a breakman then he could make with a team, even if he could have worked them, but he had no experience with horses.

Q.16.-- It is said in some of the depositions taken by the plaintiff in this case that you some time last summer were talking about selling or offering to sell one pair of the mules attached on. Please state all about that.

A.-- I told George Pennington at one time that I was going to sell at that time I was hauling lumber for him at \$1.50 per 1000 and I wanted him to pay me \$1.75 per 1000 and was doing this to try to scare him up to give me that price. I met on one occasion Mr. Richmond there near Dryden, coming up the hill from the river, and he asked me what I would take for the big pair of mules. I told him they were no mine that they belonged to my brother and I guessed he would want \$225.00 for them. I told him that I would write and find out what he could get them for, and he told me he would come down and look at them, but he never came and I did not write to my brother anything about it. This was some time last Summer, but I do not remember the time.

Obj.-- Excepted to because this conversation occurred after the plaintiff's note had been placed in the hands of his attorney for collection and presented to aid Jones for payment and any talk by the defendant in reference to the ownership of the mules is self-serving and inadmissible.

Q.17.-- Did these conversations between you and Mr. Richmond and Mr. Pennington occur before or after the first attachment was sued out in this case?

A.-- It was before the attachment was sued out, but I can't state what length of time it was.

Q.18.-- Please state whether or not the plaintiff in this case, Mr. Harbin, tried to get you to leave Virginia and what answer you made to him?



Obj.-- Objected to because question fixes no time and place.  
J.W.Orr.

A.-- He did try to get me to leave Virginia. He came Dryden after Mr. Coldiron served the first attachment. Mr. Coldiron asked me to go down and try to settle with Mr. Harbin. I went down to where he was, and I asked him if we couldn't settle it some way and stop the attachment, and he told me yes if I would get up and load my wagon and go with him next morning to Clay County Kentucky to work for him. I told him that I could not go, that I owed about \$40.00 there in Dryden. He said that didn't make any difference I could go anyway that they couldn't make anything out of me. I told him if he would give me two weeks to pay what I owed there in Dryden that I would go with him and work for him, and he could pay me what it took to support my family and give me credit for the balance. He would not agree to it, and said he would not do it unless I would go in the morning.

Cross Examination.

X.Q.1.-- When was the first attachment spoken of by you, levied on the property mentioned?

Obj.-- Objected to because the endorsement of the levy on said attachment is the best evidence of the fact of the levy and the date thereof.

C.T.Duncan.

A.-- I cannot give the date. ~~Xx~~ It was some time in July and after I came back from Pineville, on the 4th of July.

X.Q.3.-- You state in your deposition in answer to question 17 that your conversations with Mr. Richmond~~x~~ and Mr. Pennington in reference to a sale of the big pair of mules was before the first attachment was sued out, now were these conversations after James W. Orr of counsel for the plaintiff had presented the note sued on for payment to you at Dryden, Virginia?

Obj.-- Objected to because there is no evidence that the said Orr ever did present the note for ~~collection~~ payment.

C.T.Duncan.

A.-- The conversation with Geo. Pennington was before the presentation of said note, but as to the conversation with Mr. Richmond I can't say.



The conversation between Mr. Pichomnd and myself was before the 4th of July, 1900.

X.Q.3.-- You say the plaintiff tried to get you to leave Virginia. Who was present during that conversation?

A.-- Mr. Coldiron walked around behind the house where we were talking while the conversation was going on.

X.Q.4.-- Did not Mr. Tarbin try to get you to go back to Kentucky and work for him to pay what you owed him, and did he not propose that if you would do so that he would help you pay your debts in Dryden?

A.-- He ~~said~~ did try to get me to go back there and work for him, and he said I could send the money back and pay my debts. He did not say he was going to help me pay the debts.

X.Q.5.-- Was it not been your intention to go back to Kentucky to your father's and did you not tell several persons in Dryden Va. that that was your intention, and that you expected to go back this fall, or early in the winter?

A.-- It has not been my intention to go back to Kentucky. I did so talk to Geo. Pennington, James Orr but I did not fix any time. ~~He said that Taylor Coldiron once said that he said he would leave~~

X.Q.6.-- Have you not so talked with others?

Obj.-- Objected to because the persons nor place nor time when said talks were had are not mentioned.

C.T. Duncan.

A.-- I don't remember, I may have done so and I may have not.

X.Q.7.-- If you had no intention of going back to Kentucky why did you talk in that way?

A.-- I had nothing else to talk about I reckon.

X.Q.8.-- You say the small mules are assessed to your wife, who are the large mules assessed to?

A.-- I don't know whether they are on the assor's book or not. Mr. Stout asked me whose they were, and told they were my brother, F. I. Jones'. He took down the name and said he did not know whether he ought to assess them or not, and that he would ask somebody about it that knew.

X.Q.9.-- You claim that you was assessed by the Commissioner of the



Revinue for taxes in this County for the present year. If you were so assessed, what personal property did you give in?

A.-- I did not give in any, I had none to give in.

X.Q.10.-- Did you not have some household and kitchen ~~furniture~~ <sup>chick-</sup>ens and f.c.

A.-- I don't know who you would say it belonged to, my wife, Mollie Jones paid for it, I reckon it belongs to her. I have no chickens.

X.Q.11.-- When and where were you married, and what was you wife's ~~name~~ name before you married her.

A.-- I was married in Knox County, Kentucky the 28th day of June 1899. my wife's name was Mollie Dosier, this is the name she went by, and the name in which the license were issued.

X.Q.12.-- How long have you had the two pairs of mules and wagon and harness in your possession and been using the same?

A.-- I have had the small ones since the fall of 1899. I had the large mules in my possession since I sold them to my brother since last October. I ~~will~~ owned these mules and delivered them to my brother on the 27th day of June 1899.

X.Q.13.-- You say you had been useing the large mules since then on~~e~~ the shares with your brother. Have you accounted to him for his share for the use of the mules?

A.-- I have been paying him along, but there is some ~~right taking~~ due for work done right lately.

X.Q.14.-- When did you and the plaintiff enter into the log contract in which the "retain" arose about w ich you have testified?

A.-- I cannot state the date when Harbin bought my partner Mr. Byrd.

X.Q.15.-- Can't you approximate or state something near the time?

A.-- About seven or eight months before the note was executed.

X.Q.16.-- Was the contract between you and Mr Byrd or the firm of Byrd and Jones with the Jones Lumber Co. of Williamsburg Ky. in reference to said logs, in writing?

A.-- It was.

Obj.-- All the foregoing statements by the witness in regard to the "retain" of ten cents on each dollar of said logging contract of Byrd & Jones with the Jones Lumber Co. is excpeted to because said contract



is in writing and is the best evidence and is not produced in evidence.

J.W.Corr, for plff.

And further this deponent saith not.

Henon Jones

Vir inia, Lee County, to-wit:

I, I.L.Woodward, a Commissioner in chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing deposition of Henon Jones was taken sworn to and subscribed before me at the time and place and for the purpose in the caption mentioned.

Given under my hand this the 31st day of October, 1900.

I. L. Woodward  
Commissioner in chancery.



Huon Jones

ads }

C. L. Harbice

Deposition of  
Huon Jones.

Received from H. L.  
Woodward the Court in  
Chancery before whom  
taken & filed Nov 1st 1900  
A. B. Munsey Clerk.

Court. fee 4 lrs \$3.00



The depositions of J. J. Pursifull  
George Howard. J L Taylor

taken at the Office of E. R. Coone U.P.  
Flat Lick Knox Co. Ky. - on the 12<sup>th</sup>  
day of October 1900. Between the hours of  
9.30. o'clock A.M. <sup>Ans.</sup> 1 o'clock P.M. to be  
read as evidence in behalf of C. L.  
Harbin in a certain suit in chancery  
now pending in the Circuit Court  
of Lee Co Va., where in the said -  
Harbin is Plaintiff <sup>Ans.</sup> and Henson Jones  
is defendant. Present. C. L. Harbin  
Plff. <sup>Ans.</sup> & Henson Jones Deff. - The  
said J. J. Pursifull a witness of  
lawful age being first duly sworn  
deposes <sup>Ans.</sup> & says -

Ques What is your age. residence <sup>Ans.</sup> & occupation.

Ans am 43 year old. am in mdse. lumber  
<sup>Ans.</sup> & slave business

Ques are you acquainted with both parties in  
this suit.

Ans Yes sir

How long have you been acquainted with  
the parties -



2  
ans. with Mr Starbin about 10 years.  
And with Mr Henon Jones about two  
Years ago.

Ques Did you every at any time employ  
Mr Jones. to do some logging.

ans I did for Mr Sprinkle and my self

Ques Where was that logging done

ans He did not do any of the logging  
that I know of but hauled lumber

Ques You had a conversation in regard to  
the hauling in Va -

ans Yes sir.

Ques Now in that conversation did  
he say any thing in regard to  
making it his home there

ans I dont remember of any conversation  
made to that affect.

Ques. Did You tell him in that  
Conversation how long it would  
take to do the work



Ans I might have Told him how long I thought it would take to do the work

Ques. you dont remember how long you thought it would take to do the work

Ans I counted on a two years job

Ques Did he have any property at the time you Employed him to go there.

Ans I dont know what he had. but claimed to have two pair of mules-

Ques Did he have any other property

Ans He claimed to have a mare

Ques. Did you advance him any money about the time he was to start or go to do that work

Ans I dont remember of advancing him any money

Ques Did he offer you any time to Mortgage any of that property at any time

Ans I think he proposed to mortgage a pair of mules to me. to go on a note with him to get a pair of mules released that Reese had a Mortgage on.

Ques Did you go on the note

Ans Yes sir



4  
Ques Did he claim the two mules as his  
own that he <sup>wanted</sup> to mortgage -

ans I dont dont know that he made  
any distinction between the two mules  
that he had mortgaged or ~~had~~ the  
one he did not have mortgaged.

Ques do you know where Mr Jones lived  
at that time.

ans no I didnt know where he lived  
at that time.

J. J. Pursifull



# The Deposition of George Howard

Ques. - what your age - residence <sup>and</sup> occupation.

Ans. - 29 years. on Straight Creek. in Bell Co Ky  
am a farmer.

Ques. do you know Hannon Jones.

Ans. Yes sir

Ques. How long

Ans. Have know him for 15 years.

Ques. How long have you know C L Harbin

Ans. Yesterday is the first time I remember meeting him.

Ques. did you ever buy any cattle at any time from Mr Hannon Jones

Ans. Yes. I bought a couple Yoke from him last fall

Ques. what did you pay him for them

Ans. One Hundred and Eighty Dollars

Ques. were they <sup>the</sup> same cattle he brought from Knox Co Ky

Ans. I cant state if they were the same or not

Ques. do you know from general rumor of the country where he got the Cattle.

Ans. I do not

Ques. did he claim the Cattle as his own that he sold to you

Ans. Yes sir

Ques. did he tell you for <sup>what</sup> purpose he sold the Cattle



Ans. He wanted to sell the Cattle to  
buy a pair of mules.

Ques. Did he buy the mules;

Ans. Yes.

Ques. Did he own any other property?

Ans. Not that I know of.

Ques. Was that, all the mules or hors property  
he had up there?

Ans. He looked another pair of mules;  
he also had a mare.

Ques. Did he claim her as his own.

Ans. I could not stat whether she was his  
or not.

Ques. You know where he claimed his horse,  
in what Stat,?

Ans. Yes, In Bell County Kentucky,  
at that time,



Deposition of George Howard,  
continued.

"Cross Examined."

Ques. How do you know that, "Left,"  
bought the mules.

Ans. I do not know for certain that he  
bought the mules. I do know he  
had the mules in his possession at  
that time.

Ques. You don't know that the mules  
are his?

Ans. I do not.

Ques. Did you ever hear any body say  
that the mules belonged to any  
body else?

Ans. No sir I did not.

Deposition George Howard.



2

## Deposition of J. L. Taylor

Ques.

What is your age?

Ans.

About 24 year old

Ques.

Where do you live?

Ans.

In Knox County Ky.

Ques.

What is your occupation?

Ans.

Farmer.

Ques.

Are you acquainted with  
C. L. Herbin, Hannon Jones?

Ans.

Yes.

Ques.

How long have you known them?

Ans.

Some two or three years.

Ques.

Did you ever know of

Hannon Jones claiming any  
property?

Ans.

Yes.

Ques.

State if you know; what kind of  
property that, was.

Ans.

He claimed two mules and a mare.

Ques.

Do you know where he got this  
property?

Ans.

He said he got the mare from  
Lewis Bird.

Ques.

Where did he get the mules?

Ans.

He got one of them, he said from  
Richard Williamson; I do not know  
where he got the other.



C. L. Harbin  
or } Depositions

Henson Jones

Received by mail in  
good condition & filed  
Oct 13<sup>th</sup> 1900.

AVB Munsey Clk



C. L. Harbin  
vs } Depositions  
Hannon Jones

Received by mail in  
good condition & filed  
Oct 13th 1900.

A. B. Munsey  
Clerk



The depositions of Ab. Hubbard, L. J. Jones,  
Andrew Hubbard, John Valentine, Noah  
Hubbard, John Powell, John Smith.

taken at the store house of R. D. Smith  
at Cross Post office May County Kentucky  
between the houses of B. D. Clark, A. M. and  
S. D. Clark, J. M. presented to the court  
to be read as evidence in behalf  
of Ab. Hubbard in a certain action in  
Chancery now pending in the Circuit of  
L. C. County Va. Wherein the said C. &  
Hubbard is Plaintiff and James Jones  
is defendant. The said John Powell after  
being duly sworn and being a witness  
of proof ever depose as follows and  
says.

(Q) Please state your age residence and  
occupation?

(A) I am 40 yrs old reside in May County  
and am a farmer by occupation.

(Q) Are you acquainted with Ab. Hubbard  
and James Jones the P. & D. in this action?



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(A) I am acquainted with them both.

(Q) How long have you been acquainted with them?

(A) I have been acquainted with Jeff about two months and with Duff about one year.

(Q) Do you know what the defendant's name is followed for a occupation when you first became acquainted with him?

(A) Yes. He was working at log skidding on the U.S. Forest of Stinking Creek on Knox Co. Ky.

(Q) Did you have a conversation with James while logging on said U.S. Forest or about the time he left there?

(A) Yes. I had a little conversation with Henry Jones there in the road.

(Q) Please tell what said Jones said to



on that occasion

Q) I asked him if he was saw logging  
of trees and he said he was not  
sure that he was getting any trees.

A) Did he find any thing there  
that was unusual?

A) No he did not.

Q) Do you remember of seeing Jones  
bringing a note from Rich Williams  
while logging on Oak Road farm?

A) No I don't know for certain  
that he did.

Q) Do you know where Jones claimed his  
grave to be at that time?

A) No I don't know for certain where  
he claimed it at that time I never  
heard him say.

That is all, Thomas J. Powell



Also the departure of John Smith  
tavern at the same time and place  
and for the same purpose stated in  
the caption who after he duly arrived  
departed and says

Q1) What is your occupation and  
occupations.

A I am 37 years old make on Clay Co Ky and  
and a farmer & occupations.

Q2) Are you acquainted with the Plff and  
Capt in this action and how long have  
you been acquainted them?

A I am acquainted with them both and  
been acquainted with Plff about two  
years and with Capt about three years.

Q3) Do you know what the Capt's occupation  
was during your acquaintance with him?

A Yes he was chopping

Q4) Where was he chopping?



Q Did you ever let fly on Thursday even?

A Did the soft bones have any  
stuck while digging the sand & wood?

A Yes can be obtained some stuck.

Q What kind of stone was it?

A It was two miles and part of a stone  
found of Father. Also one more

Q Did you want for said bones while  
digging on sand & wood?

A Yes when I cut four hundred poplar  
bars for himself and Q. B. Bid.

Q Did he pay you for said work?  
A Yes sir

Q How did he pay you?

A The bones are in order to Q. B. Harding  
Tale.



Q<sup>10</sup> Did I not pay off the order?  
A Yes sir.

Q Do you know of C. E. Harbin furnishing  
Chas Jones with any other goods or  
in any way assisting him on the logging  
job?

A Yes he got goods when he wanted  
them.

Q<sup>11</sup> Did you ever have a conversation  
with Chas Jones in which he talked  
of his dealings with C. E. Harbin?  
A No sir I never did.

Q<sup>12</sup> Do you know where he claimed his home  
to be?

A I heard him say that he claimed his  
home up above Pineville, Bell Co. Ky.

Q<sup>13</sup> Was Chas Jones married at the  
at the time he came to the Acorn farm  
in Knox Co. Ky?

A He claimed that he was a single man.



all I know about it.

Q<sup>15</sup>) Do you know any thing about Sam Jones and C. L. Hartin being engaged to finish a logging job on Acme Farm which they were partners?

A) I heard A. P. Hubbard say that they (Jones & Hartin) had hired him to finish up the job of logging.

Q<sup>16</sup>) Do you know of A. P. Hubbard buying a pack of cattle from C. L. Hartin?

A) Yes sir.

Q<sup>17</sup>) Do you know for what purpose he bought said cattle?

A) Yes sir I know what he said he was buying them for.

Q<sup>18</sup>) Be a deal and tell all that was said in your presence about said cattle?

A) Hubbard said he was buying the cattle to finish up the logging job of Jones & Bird on the Acme Farm.



Q<sup>14</sup> Do you know about Simon Jones and C. L. Harbin being partners in said logging job?

A) yes I heard Harbin say that he had bought Bird art.

Q<sup>20</sup> Were the logs that W. P. Hubbard put in the same logs that were owned by Jones & Harbin?

A) W. P. Hubbard said that they were the same logs.

Q<sup>21</sup> Did Simon Jones leave the Acorn Fork before all of said logs were put in the splash dam?

A) yes sir.

Q<sup>22</sup> John, did you hear C. L. Harbin tell W. P. Hubbard that he wanted to sell him the cattle to pay for putting <sup>in</sup> the logs left there by Harbin & Jones?

A) Harbin told Hubbard that he would sell him the cattle to finish up the logging job of Harbin & Jones.



Cross examined by Henry Jones.

3<sup>rd</sup> Did Henry Jones know any while on the Ream Farm?

Q He made a crop during the time he was logging over there?

3<sup>rd</sup> How the cattle you spoke of on 3<sup>rd</sup> do you know if Henry Jones sold any of them to Hardin?

A I don't remember.

After H. Jones, John L. Smith

Time being 5 O. Clock<sup>PM</sup> the taking of the depositions in this action is hereby adjourned <sup>from the 9<sup>th</sup> day at 5 o'clock PM</sup> till 7 O. Clock October 10-1900  
H. H. Farmer Examiner for Clay Co.

H. H. Farmer examiner for Clay County Kentucky do here by certify that foregoing depositions of John Smith are true & correct as duly taken subscribed and sworn to before me at the time and place and for the purpose stated in the caption mentioned pursuant to the annexed notice.

Given under my hand this 9<sup>th</sup> day of Oct.

1900

H. H. Farmer Examiner for Clay Co.



The deposition of John Valentine A.D. Smith  
Daley Smith Early Smith A.D. Hubbard

taken at the store house of A.D. Smith  
at Erno Post office Clay County Kentucky  
on the 10<sup>th</sup> day of October 1900 between the  
hours of 8 A.M. and 5 P.M. pursuant to  
an adjournment from the 7<sup>th</sup> day of October  
1900 to be read as evidence in behalf of  
C. L. Harbin in a certain suit in chancery  
now pending in the Circuit Court of Lee County  
Va. Wherein the said C. L. Harbin is Plff.  
and Heron Jones is Deft. the said John  
Valentine a witness of lawful age and being  
first duly sworn deposes and says.

Q What is your age residence and occupation?  
A I am 40 years <sup>old</sup> reside in Knox Co. Ky and am  
a farmer by occupation.

Q How acquainted with the Plff and Deft.  
in this action. A have been acquainted  
with them about three years. I worked at  
logs for the Def. Jones and he paid me part  
money and part he gave me a deed to C. L. Harbin



and Mr Harbin paid off the order in part, being a retail merchant at that time.

During the time I worked for Jones Harbin let him have corn and any thing he wanted in the store. The Deft. Jones while working on the Warm Farm and during the time he was getting the goods & corn, he claimed two mules (large man mules) one mare and some warm cattle. and Mr Harbin let Jones have the goods & corn, with the understanding that the property above named was subject to execution. Jones being an unmarried man at that time

I heard Mr Jones say that Harbin had been as good as a brother to him and that he intended to pay Harbin if it took every thing he had.

I am acquainted with Mallie Jones the wife of Deft. Jones, both before and after she married with Jones. I never knew of her owning any property of any kind. Mr Deason Jones owned the mare above mentioned before he married Mallie. at the time he married this woman Mallie I don't know whether she had any money



of buying property or not. I don't know for certain whether they (Jones & Mollie) were married or not, only from what the people said about it. The people said that they were married. Mr. Henry Jones claimed his home at the time I was waiting for him to be in Bell County Kentucky.

While I was waiting for Jones Mollie the woman above mentioned came to where Jones was logging she was riding a mare and the same one Henry Jones claimed. The mare was kept by Jones a part of the time and a part by Mollie.

Cross examined by H. Jones.

Q<sup>1</sup> Mr Valentine how do you know that Harbin let Jones have the goods & coin with the understanding that said property was subject to execution?

A By the general rumor of the country.

Q<sup>2</sup> Please tell some of the parties whom you heard talking about this matter.

A Mr. C. F. Harbin himself. I don't remember any others.



Q Do you know whether or not the property  
 owned by Jones was subject to execution?  
 A Yes sir.

Q How do you know the Deacon Jones owned  
 the mare above mentioned?  
 A Just rumor of the country.

Q Did you not hear Deacon Jones say at  
 Jamesville Va. that he had sold the  
 mare to Mallie for cooking for him  
 12 months?

A Yes I heard him say that.

Q Was you waiting for Jones alone or  
 was it for Bird & Jones.

A Bird & Jones.

I examined by Harbin

Q Do you know of any body who something  
 have logs cut or putting them on the train cars.

A Yes sir.

Attest H. James Ex. Clk. John <sup>his</sup> Valentine  
 mark



14

Also the deposition of A.P. Hubbard taken at the same time, place and for the same purpose stated in the Caption. Mr Hubbard being a witness of lawful age who after first being duly sworn deposes and says

I am 27 yrs old reside in Knox Co Ky and farming and logging for my occupation.

I am acquainted with the plff. and Def. in this action and have known them both about 1 1/2 years. Last Jan. was a year ago Bird & Jones gave me a contract to transport the remainder of a logging job they had on the Boone Fork in Knox Co Ky. and I am still performing their act. Since my first contract with Bird & Jones Bird sold his interest in said logs to C.S. Harbin and Harbin & Jones employed me to do some work for them than Bird & Jones contract covered. My first contract was that they <sup>Bird & Jones</sup> were to give me .02 1/2 cts per 1000. for transporting the logs and my contract with Harbin & Jones they were to give me \$1.00 <sup>per 1000</sup> cts for hauling the logs out at a certain hollow better than the first contract



All the logs were not pitted when I took said contract. After I took the contract Bird Jones pitted awhile and then Harbin Jones pitted some and then Jones moved away and Harbin pitted some himself.

The logs that Harbin pitted himself were on the main beam road. My last contract was in a hollow known as the Flat Hollow. I don't know who started most of the logs in the Flat hollow.

All the logs in said hollow was not on site when Jones left the job. I was present when Jones quit and went to Straight Creek and renewed the agreement between Harbin and <sup>himself</sup> they agreed to pit time about that is of the business to pit awhile and then Jones was to come back and pit awhile until all the logs were pitted. ~~Harbin~~ Jones never came back to pit any logs.

Mr. Harbin hired me to finish pitting said logs and paid me one yoke of cattle for same and some goods and mechanics. I don't know whether the goods were for the log job or not. I don't know how much the job will come to.



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I came to Mr Harbin to buy a yoke of oxen and he told me that he would give me  $12\frac{1}{2}^c$  a log for hauling out of one hollow and  $15^c$  per log out of another hollow and sold me the cattle for \$70 to be paid for in hauling said logs. There were the same logs that James ~~had~~ and Harbin had a contract to put in and had not finished the job. Mr Harbin gave me the job of putting all the logs that were left in his and James partnership logs.

When I came up there in Jan 1849, Mr James Jones claimed I got of cattle & <sup>(large mare mules)</sup> mules and a mare and  $\frac{1}{2}$  interest in an odd steer. Mr Jones claimed to be a single man at that time. When he moved out from there he took the 2 mules and I yoke of cattle and also the mare. He took them to Straight Creek and he sold the other yoke of cattle and his  $\frac{1}{2}$  interest in the odd steer to O. L. Harbin. He <sup>James</sup> was logging on Straight Creek.



1-4  
Mr Jones left the Acorn farm after  
the 5<sup>th</sup> of July 1899. Some time in the  
fall of '99 I was on Straight Creek where  
Mr Jones was logging and he had  
the same cattle, the same mules and mare  
he took with him from the Acorn farm.

Straight Creek where he was logging was  
in Bell Co Ky. Mrs Jones claimed his  
home to be at his father's <sup>near</sup> Pineville  
Bell Co Ky. at that time I never heard  
him claim any other place as his  
home at that time. Mr Simon Jones  
has never offered to pay me nor has  
he paid me any thing whatever for fire-  
ing the job of logs left by him  
and C. F. Harbin on the Acorn Farm.

I am looking to Mr Harbin for my  
pay if the cattle don't pay for the job.  
Mr Harbin has never refused to pit  
the logs so that I could draw them out  
I was to do for a while but Mr Harbin  
finally pitted the logs. While Mr Jones  
was engaged in this logging job Mr  
Harbin purchased him with corn and



goods to feed their stock and such things as he needed and saw them sending orders over to Mr Harbin. Mr Harbin as far as I know always paid off all of Jones' orders.

Answers examined by H. Jones.

Q<sup>1</sup> Did you see Mollie Dasher working for Mr Jones while he was in said logging job?

A Yes sir

Q<sup>2</sup> Was this before or after Mollie and Jones were married?

A Both before and after they were married.

Q<sup>3</sup> Did you ever hear Mollie Dasher claim the above mentioned mare?

A Yes sir, I have heard her claim her.

Q<sup>4</sup> Did you ever know of Jones paying C. F. Harbin any money?

A I heard Mr Jones say that he paid Harbin a check.

Answers examined by C. F. Harbin.



Q Now Mr. Hubbard did you while  
the said Mollie Davis was coming for  
the said James know her to come to  
the said Harbin's store and getting goods?  
A Yes sir I knew of her coming to Harbin's  
store and getting goods.

Q Did you know of Mollie Davis coming  
to where Benson James were living. If so  
did she stay there all the time after she  
came there.

A Yes sir she came over there a time  
or two and would stay a day or two  
before she finally moved on there  
A. P. Hubbard

Also the deposition of Emily Smith  
taken at the same time and place  
and for the same purpose stated in  
the caption. The said Emily Smith  
being a next of kin of lawful age and  
further being duly sworn depose and  
swear.



I am 26 years old reside in Chelys Ky  
and am a farmer by occupation.

I am acquainted with both the Plff C. B. Harbin  
and Def Vernon Jones in this case and  
have been acquainted them about three  
years. I heard Mr Jones say that  
he owned three gone of cattle and about  
in an old store also two large mares  
under that was in his market and  
one mare I worked for Jones and  
C. B. Harbin together. I worked about 1 1/2  
days for Mr Jones himself. I cut up corn  
for him and Mr Jones gave me an  
order to C. B. Harbin in payment and  
Mr Harbin paid off the order. The same  
day that Mr Jones gave me the order to  
Harbin Mr Jones said that he did not  
care for expenses when he was out to the  
mills and that he owed Mr Harbin a lot  
but did not know whether he could pay  
him or not. Mr Jones were drinking  
a right smart, in the same conversation  
Mr Jones said that he never intended to  
pay Mr Harbin for said goods.



I in a conversation with Mr Harkin & after I heard Jones say that he would not pay Mr Harkin for the goods I told Harkin that I did not believe that Jones would pay him for the goods.

And Mr Harkin said he was expecting to get the two large ware scales claimed by Jones. Mr Harkin did not say why he was expecting to get the two scales.

Mr Jones always claimed Jernillo's as his home.

Cross examined by H. Jones.

Q When Mr Jones gave you the two goods of was there any body else present?

A No body that I know.

Attest H. Jones Ex. C.

Fairley <sup>his</sup> Smith  
witness

Also the deposition of Derby Smith taken at the same time and place and for the same purpose stated in the caption. Mr Smith being a witness of lawful age and after being first duly sworn deposes and says I



22

I am 33 years old reside in Clay Co Ky  
and am a farmer. by occupation

I am acquainted with both the Plff.  
and Deft. in this action and have been  
acquainted with them about 2 years.

I heard Mr C. Harbin say that he  
was furnishing Bird & Jones goods to  
assist them in a logging on near Co. Ky

I also heard Mr Harbin say that the reason  
he was furnishing the goods to ~~Bird & Jones~~ <sup>man.</sup> was that  
Jones was a single ~~man~~ <sup>man</sup> and his property was subject to execution  
and that he could make the debt out of Jones.

I heard Mr Harbin say that if he had  
to make his debt that way he could  
make it out of Jones property he Jones  
being a single man at that time.

I heard Mr Jones claim two large mare  
wheels while I was working for him.

Darley Smith

Also the deposition of A. W. Smith taken  
at the same time and place and for the  
same purpose stated in the caption. Relist



being a witness to lawful age and after  
being duly sworn) deposes and says

I am 34 years old reside in Clay County  
and am a farmer by occupation.  
I am acquainted with C. E. Harkin Duff and  
Simon Jones D. St. in this action and have  
been acquainted with them about two years.  
During your acquaintance with them have  
you known Mr. Harkin to furnish Mr. Jones  
any good corn or anything else to enrich  
him in a logging job in Kentucky.  
Ans. Yes Sir

Q. With what assurance did you hear  
Mr. Harkin say that he had in furnishing  
Mr. Jones the above stated  
good etc?

A. Mr. Harkin said that Jones was  
an unmarried man and he was not  
afraid but what he (Harkin) could make  
his money out of Jones' property.

Q. Do you know whether Mr. Jones claimed any



property while logging on Shuckys Creek  
in West Co. Ky.

A. He claimed two big mules and said  
that they were all that he expected to  
come out of the logging job with  
He <sup>then</sup> said that he was not expecting to  
make anything in the job but if he could  
come out with his two big mules he would  
not care. I also heard him claim two  
yoke of oxen.

W. L. Smith

I, H. F. Farmer, Examiner for and in  
Clay County Ky do hereby certify that the  
foregoing depositions of John Powell  
John Smith, John Valentine A. D. Smith  
Finley Smith Darby Smith and  
A. P. Hubbard were duly sworn to  
taken and subscribed to before me  
at the time and place and for the purpose  
stated in the caption mentioned pursuant  
to the within annexed notice.

Witness my hand this October 10 1900  
H. F. Farmer Ex. Clay Co. Ky



Mr Benson Jones.

You will please take notice that on the 9th day of October 1900 at the Store house of A. D. Smith, at Eras, Post office, Clay County Ky, I will proceed to take the depositions of A. P. Hulthard & others, between the hours of 8 o'clock A. M. and 5 o'clock P. M. of that day, which depositions are intended to be read as evidence in my behalf in a certain suit in Chancery now pending in the Circuit Court of Lee County Va wherein I am plaintiff and you are defendant, and if from any cause the taking of said depositions are not commenced on that day, or if commenced are not completed on that day, the taking of the same will be adjourned from time to time and from place to place until completed.

Oct 3rd 1900.

Respectfully

C. L. Darlin.

By Orr & Irvine, his counsel.



C. L. Harlin  
vs. Justice  
Gen. Jones

Legal service of  
This notice is accept-  
ed this 3rd day of  
October 1900

C. T. Nuneen  
att'y. for H. Jones

Received by mail in  
good condition & filed  
Oct 12th 1900

A. B. Munsey  
Clerk



Virginia. Lee County, Tourist

I, A.B. Munsey, Clerk of the Circuit Court  
for the County aforesaid in the State of Vir-  
ginia certify that C. L. Hobbs this day  
made oath before me in my said county  
and office that Henry Jones is justly indebted  
to him in the sum of \$340<sup>00</sup> with in-  
terest from January 11<sup>th</sup> 1900, that this  
claim is believed to be just and affiant  
believes he ought to and is entitled to recover  
\$340<sup>00</sup> ~~was~~ at the least with its interest  
from January 11<sup>th</sup> 1900, that said debt is  
due & payable & no part thereof has been  
paid and that said Henry Jones is  
not a resident of Virginia and that he  
has estate in Virginia and in the said  
County of Lu.

Given under my hand this the 21<sup>st</sup>  
day of August 1900

A.B. Munsey Clerk



C. L. Horbin

by { affidavit  
for  
attachment  
Henna Jones

---



*me*  
\$360<sup>00</sup> - on or by the 1st day of January  
1899 I promise to pay to Hiram  
Jones three hundred and sixty dollars  
for value received and for which  
I have this day agreed and do here  
by give the said Hiram Jones a  
lien on the following personal property  
to secure the payment of the said  
\$360<sup>00</sup> to wit two yoke of oxen about  
nine years old two Romanas two  
two mules a cart 7 + Eight years old  
a cart 15 1/2 hands high and brown and  
the other black it is under stock and  
a grain that if the said Hiram Jones  
shall well and truly pay off and  
and discharge the above amount \$360<sup>00</sup>  
to the said Hiram Jones then this note  
and paper shall be null and void other  
wise to be in full force and effect  
witness my hand and seal this 1st 1898  
at Smith Hiram Jones  
Robert L. Wambauer



Henry Jones

to } note  
      } \$360 or

Henry Jones

Lodged for record  
June 5<sup>th</sup> 1899 -

W. J. Davis  
By Dr. Neal, Secy

Exhibit "X" with depo-  
sition of Henry Jones

H. L. Woodward



1901-010  
Lee Co.

Chancery Causes: Adms. of W. M. Pennington vs Adms. of M. C. Parsons &c  
George W. Peterst vs. George A. Crabtree folder 1 of 4

Russell, Jesse, Pridemore, Richmond, Blair, Smith, Duncan,  
Nicoll, Ely, Armstrong, Carter, Hall, Yeary, Peters, Kirk,  
Sewell, Shelburn, Cecil, Hurst, Spencer, Zion, Graham,  
Roop, Poteet, Johnson, Hughes, Garrett, Brown, McNeil,  
Mileham, Cook, Witt, Morgan

-Deed

CA-Debt  
T-Property

Oversize Box 1:  
-List of Property  
Taxes